

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

KIRK D. JENKINS,

Plaintiff,

v.

Civil Action No. 2-07CV-263-J

NATIONAL BOARD OF
MEDICAL EXAMINERS,

Defendant.

MOTION FOR CHANGE OF VENUE

TO THE HONORABLE MARY LOU ROBINSON, DISTRICT JUDGE:

COMES NOW, the National Board of Medical Examiners (“the NBME”), the Defendant in the above captioned case, and files this, its Motion for Change of Venue, and in support thereof would respectfully show this Court the following:

1. Plaintiff filed the current action for injunctive relief against NBME in the Northern District of Texas, Amarillo Division, on December 5, 2007.
2. The NBME seeks transfer of this case to the Eastern District of Pennsylvania. Venue would be proper in the Eastern District of Pennsylvania because the NBME is headquartered in Philadelphia, Pennsylvania and a substantial part of the events or omissions giving rise to the claim occurred there. *See* 28 U.S.C. § 1391(b). Both private and public concerns weigh in favor of transferring the present case to the Eastern District of Pennsylvania. *See In re Volkswagen AG*, 371 F.3d 201, 203 (5th Cir. 2004). Further,

the case should be transferred to the Eastern District of Pennsylvania to discourage Plaintiffs' forum shopping.

3. The events giving rise to Plaintiff's claim have no significant connection to the Amarillo Division of the Northern District of Texas and Defendant does not believe that any witnesses with knowledge pertinent to this case reside in Amarillo Division of the Northern District of Texas.

4. A transfer to the Eastern District of Pennsylvania, or alternatively, to the Western District of Kentucky, would be for the convenience of the parties and witnesses and in the interest of justice.

5. Defendant's arguments and authorities are set forth in more detail in its Brief in Support of this motion which is filed contemporaneously herewith.

WHEREFORE PREMISES CONSIDERED, Defendant, the National Board of Medical Examiners, seeks transfer of this case to the Eastern District of Pennsylvania. In the alternative, the NBME seeks transfer of this case to the Western District of Kentucky.

Respectfully submitted,

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/s/ Thomas C. Riney
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ATTORNEYS FOR DEFENDANT, NATIONAL
BOARD OF MEDICAL EXAMINERS

CERTIFICATE OF CONFERENCE

I conferred with Vincent E. Nowak, attorney for Plaintiff, on the 11th day of December, 2007 regarding this motion and he indicated that he opposed this motion.

/s/ Thomas C. Riney

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of December, 2007, I electronically filed *Defendant's Motion for Change of Venue* with the Clerk of Court for the United States District Court, Northern District of Texas, Amarillo Division, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

Mr. Vincent E. Nowak
MULLIN HOARD & BOARD
500 South Taylor, Suite 800, LB 213
Amarillo, Texas 79101

/s/ Thomas C. Riney